

This matter is before the Court on the Defendant's Motion to Strike. (Doc. 38).

The Defendant asks the Court to strike from the record a letter to the Court from Plaintiff's counsel dated June 15, 2011, in which the Plaintiff's counsel complains about defense counsel's conduct at various depositions and recounts various comments allegedly made by defense counsel. The Plaintiff does not object to the motion and therefore extended discussion by the Court is not necessary. However, a general observation is warranted. It is almost never appropriate to file in the public record one attorney's version of what another attorney said during a conversation that was not a part of some official record. Lawyers should feel free, within the bounds of appropriate professional conduct, to discuss a case among themselves without fear that one of the lawyers will write the judge to report what has been said. Of course, it is possible that a lawyer's comments during these private discussions could cross the line by such a wide margin that his or her opponent would feel compelled to call these comments to the Court's attention. It is not necessary to determine whether that occurred here.

Accordingly, Plaintiff's Motion to Strike is **granted**, and the Court hereby directs the Clerk of Court to remove from the docket Document 37, "Letter Regarding Discovery Issues 6-15-11."

**SO ORDERED**, this 11th day of August, 2011.

S/ Marc T. Treadwell  
MARC T. TREADWELL, JUDGE  
UNITED STATES DISTRICT COURT